

DOCUMENT RESUME

ED 285 273

EA 019 621

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TITLE State Legislated Curriculum: Why Be Concerned?
PUB DATE Apr 87
NOTE 13p.; Paper presented at the Annual Meeting of the American Educational Research Association (Washington, DC, April 20-24, 1987).
PUB TYPE Viewpoints (120) -- Speeches/Conference Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Access to Education; *Centralization; *Decentralization; Elementary Secondary Education; *Federal Legislation; *Federal Regulation; *Federal State Relationship; State Boards of Education; *State Legislation
IDENTIFIERS *Bennett (William J)

ABSTRACT

According to this paper, educators are underwhelmed with the rhetoric characterizing federal officials' pronouncements about schooling. Education Secretary William Bennett is assailed for goading state legislatures into educational improvement efforts while downplaying federal responsibility in this area. This speech expresses serious reservations about state control and responsibility for education and examines three factors influencing earlier federal involvement: (1) Congressional action to broaden curricular opportunities beyond those provided by state or local authorities; (2) judicial and executive action to assure personal access to education; and (3) the reluctance, historically, of many states to apportion their legislatures fairly. During the past five years, a dramatic consolidation of authority has occurred at the state level for two reasons: federal devolution and increased state legislation and mandates adopted by state boards of education. States have taken control back from local boards. From a federal perspective, increased state control means decentralization of authority; from a practitioner's perspective, such control means centralization of authority. Federal control is preferable because federal curriculum legislation is usually optional and impermanent. In contrast, state laws are mandatory and do not come up for periodic review. State controls are also more oppressive and pervasive, as seen in some examples from Georgia and Texas laws. (MLH)

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State Legislated Curriculum: Why Be Concerned?

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Introduction

Earlier this month Secretary Bennett chided the Indiana legislature for not responding to the educational reform proposals presented by Governor Orr to improve education in Indiana. He also chided legislatures in several other states for lagging in their educational efforts.

Mr. Bennett has argued that the position of Secretary of Education should not exist, but as long as it does, he will use it as a "bully pulpit" to advance his philosophy of education. He evidently feels it is appropriate for a member of the president's cabinet to provide rhetorical support for state effort in the field of education, but he abstains from anything other than rhetoric as far as federal effort for education is concerned.

Abstaining is also the major plank in the Secretary's program for dealing with rising teen age pregnancy rates in schools. He is consistent. And consistency is important to those who want to seem to be concerned.

The same week that Mr. Bennett urged the Indiana legislature to act, Indiana's Senator Quayle pressed for a redefinition of "Hoosier" on the floor of the United States Senate. He cited a definition in Webster's dictionary which said that the word "Hoosier" referred to an "awkward, unhandy, unskilled person." Since Indiana University's basketball team had just won the NCAA championship, such a definition was obviously incorrect. Senator Quayle wanted to remedy that error with federal legislation.

Paper presented at the annual meeting of the American Educational Research Association in Washington, D.C. on April 21, 1987.

Those who labor in the vineyards of education can hardly fail to be impressed with the rhetoric and posturing that characterizes federal officials today regarding schools and schooling. The plea from federal officials to deal with the reality of a "A Nation at Risk" by urging increased state effort reminds one of Lincoln's pleas to the states to provide troops to put down the rebellion that threatened the union.

Lincoln's pleas were effective, though, and the states responded. Maybe the rhetoric of today's leaders will be effective, too. One wonders what we are moving toward, or into, or maybe through regarding the possibilities and problems associated with frenzied activity on the part of state legislatures and the school curriculum.

John Naisbitt equated increased legislative activity by states with progress (1). Anyone who has studied specific legislation finds such a notion naive if not ludicrous. Most state legislators are pragmatic people, pressing for what they think constituents want or will approve of. And most state legislators have been concerned about schools and schooling in recent years.

Former Education Secretary Bell first prodded governors and state legislators into vigorous action (2). He shamed them for failing to assume their constitutional responsibilities, and he articulated an agenda that they have followed: state-initiated and state-directed activity to improve the public schools.

Some state efforts started before A Nation At Risk was released. Pipho has described the activities of legislatures at the state level that pertain to education (3), but one word characterizes what states have done in recent years: more. Georgia passed an omnibus bill, as did South Carolina and Texas. Other states have passed dozens and sometimes hundreds of specific bills aimed at improving public schools.

Most state authorities manifest a willingness--even an eagerness--to "legislate learning," as Wise uses that term (4). Specifying the ends and means of education precisely has become a kind of legislative game.

But "why be concerned?" State legislatures have stepped into the breach vacated by local and federal officials; state officials are simply doing what they should have been doing all along. Education has always been a responsibility of the states. Anything that local districts do, they do because they are permitted or required by the state to do those things. Local control has been a myth for years, and federal involvement complicated our understanding of things.

Forty years ago people asked, "Will federal aid mean federal control?" No one doubts the answer now. Federal aid means federal control.

Arguing against that kind of control, federal officials in recent years have worked to shed the federal government of responsibility in the field of education. That federal effort, plus concerted efforts by states to assume more responsibility in the area of education, is consistent with our traditional conception of federalism. Control should be at the state level. But questions arise.

Two questions seem worth considering: (1) Why did the federal government get into education in the first place?, and (2) Is there any difference between federal control and state control to those who work in schools?

Federal Involvement In Education

Historians have their own ways of describing how the federal government became involved in education. Three factors seem worth consideration here: (1) there was legislative action to broaden the curriculum; (2) there was judicial and executive action to assure personal access to education; and (3) there was the reluctance, historically, of many state legislators to apportion state legislatures fairly. Each of these points is developed briefly below.

Broadening the Curriculum: Over the years, Congress repeatedly took action to broaden curriculum opportunities beyond those provided by state or local authorities. One example will suffice.

The Morrill Act of 1862 establishing land grant colleges was legislation by the federal government designed to broaden curriculum offerings at the higher education level in terms of vocational programs. The Smith-Hughes Act of 1917 did the same thing for secondary education.

Left to their own devices, some educators regress to a narrow, academic mean. Using special funds, the federal government enticed educators to broaden the curriculum from a narrow base of cognitively-oriented subjects to offerings that would include practical and vocational arts. Much federal activity over the years has been directed at broadening the curriculum.

Assuring Personal Access: Court decisions and executive orders at the federal level expanded educational opportunity for individuals and groups. Desegregation of schools is one example. Some states, acting within the framework of the Plessy-Ferguson decision, were perpetuating

segregated schools. The Brown decisions by the Supreme Court in 1953 and 1954 established new perspectives regarding equality of opportunity. Many educators--responding to the directives of state and local officials--resisted integration and continued segregation. Federal marshalls eventually put a stop to such resistance.

Misrepresentation in the Legislatures: The federal government became deeply involved in education--as in a lot of other areas--because many state legislatures were reluctant to apportion themselves to represent the people. Before the Baker vs. Carr decision by the Supreme Court in 1962 (i.e., the one-man-one-vote decision), people in the populous areas of many states were not represented adequately in their state legislatures. When problems arose, the state legislature would not respond. People would then petition Congress, and Congress would respond.

In 1950, for example, when I began my teaching career in Miami, Florida, Dade County had about one third of a million residents. To represent that third of a million people, voters elected three legislators from the county to serve them in Tallahassee.

In 1954 I moved to Alachua County, Florida, to teach. At that time, Alachua County had about 60,000 residents, and it had two state representatives in Tallahassee.

Each legislator from Dade County represented more than 100,000 people. Each legislator from Alachua county represented about 30,000 people. The legislators from Alachua County had more clout in Tallahassee than legislators from Dade County.

When people from Dade County petitioned the state legislature for assistance, their pleas fell on deaf ears. The people in Dade County would then re-direct their requests for help to the federal government, to Congress. And Congress would respond. Congress was apportioned fairly.

The result? More federal programs, expansion of the federal government's size and function, and a shift of control from state to federal authorities. People in state government complained, but the problem was one of their own making. Until the Supreme Court ordered state legislatures to represent the people within a state fairly, many state legislators ignored the pleas of people within their own state while complaining about the usurpation of authority by federal officials.

Since 1962, when the one-man-one-vote decision was handed down by the Supreme Court, the fulcrum of authority has shifted steadily if not decisively from the federal government

to state governments. Presidents Nixon, Ford, and Carter contributed to that change. President Reagan accelerated the process and added to the momentum. And schools were affected by the shift of authority and by the shift of sentiments that accompanied the authority changes.

Federal vs. State Control

One function of law is to control behavior. Federal laws for education mean federal control. State laws for education mean state control.

During the past five years there has been a dramatic consolidation of authority in education at the state level. The amassing of authority at the state level has come about for two reasons: the federal government has engaged in devolution, and state governments have asserted more authority through laws passed by the state legislatures and mandates adopted by state boards of education. The states have taken control back from local boards.

From the perspective of federal officials, increased state control is decentralization of authority. From the perspective of practitioners in the schools, increased state control is centralization of authority. Policy makers and practitioners at the local level have fewer options and less latitude than they had before. But qualitative differences in the exercise of authority are evident, too.

For example, federal legislation that affects curriculum has always been characterized in two ways. First, curricula supported by federal funds are optional for local schools. Second, federal legislation of curriculum is self-terminating; the legislation comes up for review on the floor of the Congress every year or two. Such considerations do not characterize federal court decisions or executive orders, but they are inherent in Congressional initiatives.

The Optional Nature of Federally-Supported Curricula:
Consider again the case of vocational education. High schools in the United States are not required to provide vocational education for their students (unless the state makes such a requirement). Funds for vocational education are made available by the federal government, and the states and local schools have a choice: if they choose to provide vocational programs, federal funds are available to support vocational offerings.

If the schools accept the money, they must accept the control that goes with the funds. Control may mean accepting such requirements as maximum limits on class size, involvement

of representatives from the community in advisory roles, and the like. But local schools have a choice. They do not have to offer vocational programs.

Schools need additional money most of the time, so the option does not always seem real. But the choice is there.

Periodic Review of Federal Programs: The second point is that federal legislation affecting curriculum has never been permanent. Federal laws pertaining to school curriculum always come up for refunding. In practical terms, that means debate about the purposes and processes of federal programs is assured.

These two considerations--options for local schools, and reconsideration of the legislation--do not characterize laws passed by state legislatures that pertain to curriculum.

State laws are mandatory. Options are denied.

Further, state laws will not typically come up for periodic review. The laws may be repealed by the state legislatures, of course, or overturned by the courts, but neither of those two things will happen automatically or routinely or easily. State laws that affect curriculum will be difficult to change.

Why Be Concerned?

What has been the result of all of these changes? Two things have happened. First, there is greater interest in education, and that has resulted in increased legislation on curricular matters in many states. Second, many people in local schools feel oppressed rather than inspired; restricted rather than rejuvenated.

Whether there will be sufficient gain from the upturn in public interest to counter-balance the discouragement of staff and downturn of teachers' motivation that seems to have developed in recent years is something none of us know (5). The program aired on PBS television earlier this month, "Where Have All the Teachers Gone?", highlighted the dilemma.

If my perceptions are correct, (and they may not be,) what are the implications of legislative actions at the state level for curriculum development and teaching in the years ahead? This much is certain. Some of the legislation is already stifling teachers and stymying activity at the local level.

State control of curriculum is more immediate, more oppressive, more persistent, and more pervasive than federal control. And the language of state control is mathematics, not English.

Consider an illustration. The Georgia Quality Basic Education Act stipulates: (6)

As the cost of instructional programs varies depending upon the teacher-student ratios and specific services typically required to address the special needs of the students enrolled, it shall be the policy of this state that state authorized instructional programs shall have the following program weights:

(1)	Kindergarten program	1.329
(2)	Primary grades	1.237
(3)	Middle grades program	1.000
(4)	High school general	.996
(5)	High school nonvocational	1.295
(6)	Vocational laboratory	1.322
(7)	Mildly handicapped	2.139
(8)	Moderately handicapped	2.486
(9)	Self contained handicapped	3.018
(10)	Severely handicapped	3.897
(11)	Gifted students	1.430
(12)	Remedial education	1.314

There shall be calculated annually the total funds needed for a Quality Basic Education Program for each local school system. Such total shall represent the product of the following calculations for each of the programs identified [above]:

(1) Multiply the average Full-Time Equivalent (FTE) program count pursuant to subsection (b) of Code Section 20-2-160 by the respective program weight established in subsection (b) of this Code section;

(2) Multiply the product computed in paragraph (1) of this subsection by the Base Amount as established in the General Appropriations Act; and

(3) Add the product computed in paragraph (2) of this subsection to the program adjustment amount for training and experience for the said instructional program in accordance with subsection (d) of this Code section.

This is a plan to allocate state funds. But note the distinctions--to three decimal places--which seem to give precision to what are obviously imprecise considerations.

Legislators need guidelines to allocate funds, of course, but is there an evidential basis for allocating a weight of 1.000 for middle grades programs and .996 for high school general education programs? And what is the basis for specifying a weight of 1.329 for kindergarten programs, but only 1.237 for primary grades?

Such calculations affect allocations, and allocations affect program. The particular purpose of the specifics cited here relates directly to program, of course, so distinctions such as these are important--for students, and for educators.

Consider another illustration. In Texas, the state law (Section 21.552 of the Texas Education Code) requires the State Board of Education to establish minimum criteria for mastery in the basic skill areas. "The State Board has established the following criteria for demonstration of mastery in the basic skills areas for the 1985-1986 school year:" (7)

- 26 out of 32 items in mathematics at grade 1
- 35 out of 44 items in mathematics at grade 3
- 27 out of 44 items in mathematics at grade 5
- 26 out of 44 items in mathematics at grade 7
- 26 out of 44 items in mathematics at grade 9
- 36 out of 72 items in mathematics at grade 11/12
- 24 out of 36 items in reading at grade 1
- 27 out of 36 items in reading at grade 3
- 22 out of 36 items in reading at grade 5
- 26 out of 40 items in reading at grade 7
- 30 out of 44 items in reading at grade 9
- 45 out of 72 items in reading at grade 11/12

Anyone who knows anything about tests and measurement is inclined to laugh at specifying standards this way. Why, for example, is the standard higher in grade three than grade five in mathematics? Why is it higher in grade 1 than grade 12?

Implicit in the Texas arrangements is the notion that the youngest children will be held to the most demanding standards, while the most experienced, most highly educated, and oldest students will be held to less demanding standards.

Suppose we look at some of the details of the Texas TEAMS (Texas Educational Assessment of Minimum Skills) tests. The manual states that "the objectives to be tested were selected from the essential elements as stated in the State Board of Education Rules for Curriculum, GED4 450 01." (8)

Under "Writing Objectives" are the following:

- Grade 1. Write the correct spelling of commonly used words.
- Grade 3. Recognize the correct spelling of commonly used words.
- Grade 5. Recognize the correct spelling of commonly used words.
- Grade 7. Recognize the correct spelling of commonly used words.
- Grade 9. Recognize the correct spelling of commonly used words.
- Grade 12. Recognize the correct spelling of commonly used words.

Note that in grade one a student is expected to "write the correct spelling of commonly used words," but in grades three, five, seven, nine, and twelve the student is only expected to "recognize the correct spelling of commonly used words" to demonstrate proficiency on the test. (9)

Requiring very young children to write the correct spelling presumes that children of that age can write better than they can read, or that it is easier to test recognition of correct spelling among older students than it is to ask all students to write the correct spelling of commonly used words, or both.

The fact that few people (except editors, of course) use the skill of recognizing the correct spelling of words does not seem to matter. Those who developed the test evidently presume that if one can "recognize the correct spelling" of words, that suffices as an index of their ability to spell. Even if there is empirical evidence for such a practice, that is not what people do in the real world.

So why "recognition" rather than "writing?" Because it is easier to test. Such an assumption will almost guarantee that the test will determine the curriculum rather than the other way around.

The fact that the mathematics objectives in the TEAMS test specify that expertise in division will be assessed only in grades five and nine, not in grades one, three, seven, or twelve, also makes one wonder about the emphasis or balance aspect of curricular concerns. But one can always take exception to specifics such as these.

Curriculum theorists write about curriculum in verbal terms (10), but state legislators and state boards of education write about curriculum in mathematical terms. The theorists describe "what ought to be," but legislators describe "what will be." Quantitative considerations are the only things that really count.

The ideas in John Hersey's article, "The Triumph of Numbers," seem relevant here (11). Hersey maintained that there has been a shift in thought and action from words to numbers during the past half century. Policy makers have brought the precision of mathematics and science to human affairs. The ambiguities of words--which allow people to make inferences about meaning and develop attachment for what is involved--have been rejected for the specificity of numbers.

Specifying goals in quantitative terms blunts human effort. Specification denies latitude and curtails opportunity for individuals to invest personal energy or thought into what they do. Raising scores on state-wide achievement tests a few percentage points, for example, is not something which gets people excited. It does not bring out the best in people. It is not a noble, worthy goal.

In some ways, what seems to be a work in American education is a set of conditions comparable to those described by Sir Charles Percy Snow in his little book, Science and Government (12). Writing more than a quarter of a century ago, Snow elaborated on two problems that centered on science and policy development in England before and during World War II, including the assumptions beneath those two problems.

Both issues involved disputes between two men: Henry Tizard and F. A. Lindemann (Lord Cherwell). The first issue focused on what could be done to protect England from destruction by German bombers. Tizard, a physicist, argued for developing what came to be called radar. Lindemann, a physicist who was on close speaking terms with Winston Churchill, argued for giant balloons with trailing steel cables. Tizard's arguments prevailed.

The scientists developed radar, and the defense of England against German aircraft by British planes that were guided by radar has become a classic story of how science was used effectively to buttress government policy.

The second issue described by Snow revolved around the question of whether Britain should pursue a program of strategic bombing against Germany. At a psychological level, the answer was simple: bomb Germany. In terms of resources--human and materiel--the problem was more complex. Stated simply, the problem was this: Would strategic bombing produce more losses for the Germans than for the English--in lives, property, production capability, and money?

Lindemann's calculations led him to advocate strategic bombing. Tizard's calculations led him to oppose the bombing. Both sets of calculations were based on assumptions that affected the two men's approach to the problem. Analyses after the war were clear:

The actual effort in manpower and resources that was expended on bombing Germany was greater than the value in manpower of the damage caused. (13)

Here we have portrayals of government policy influenced by science and scientists. In one instance, good science won out. In the other instance, poor science won out.

Something like that seems to be at work in American education today. Researchers have been pressed into duty by government officials to design and develop programs in areas such as teacher evaluation, student achievement, drug abuse, sex education, mathematics, reading instruction, and the like. Legislatures are mandating programs for schools that are supposedly based on good research.

Researchers attracted to the power centers of government are fascinated with the possibility that "what we know from research" might be legislated into reality and mandated into educational improvement. The possibility of "instant effectiveness" is heady wine; reform has become an elixir for some researchers.

I think there is reason for concern.

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